

## PROPOSED DIVISION OF ADMINISTRATIVE LAW APPEALS FEE SCHEDULE

801 CMR 4.02:

### 820 *Division of Administrative Law Appeals*

#### 1. *Fees:*

The following fees shall be applicable to cases brought before or referred to the Division of Administrative Law Appeals (the "Division"):

- a. Fee for Appeals of Hospital and Nursing Home rates set by the Division of Health Care Finance and Policy:  
\$4 per bed
- b. Fee for all other appeals of rates set by the Division of Health Care Finance and Policy: \$250 or 1% of the amount in controversy, whichever is larger.
- c. Fees for matters assigned to the Division pursuant to §16(4) of Chapter 32:
  - (1) Cases submitted on Stipulated Facts or Subject to Summary Decision Procedure: \$25.00
  - (2) Cases for which an evidentiary hearing is claimed: \$100
  - (3) Cases for which an objection is filed with the Contributory Retirement Appeal Board in addition to the above, said fee being payable to the Division upon filing of the Notice of Objection: \$100
- d. Fees for matters brought pursuant to Chapter 654 of the Acts of 1989 on behalf of the Board of Registration in Medicine (BRM): \$500
- e. Cases brought pursuant to G.L. c. 149, § 27C(b)(4) with respect to wage and hour violations: \$250 or 3% of the assessed penalty, whichever is greater.
- f. Cases brought pursuant to G.L.c. 30 § 39Q with respect to decisions of the Division of Capital Asset Management:
  - (1) Matters in which the amount in controversy is less than \$10,000: \$100
  - (2) Matters in which the amount in controversy exceeds \$10,000: 1% of the amount claimed.
- g. Cases brought with respect to decisions of the Department of Early Education and Care: \$100

- h. Cases brought with respect to decisions of the Commissioner of Veterans' Services pursuant to G.L. c. 115, § 2:  
\$25
- i. Cases brought pursuant to G.L. c. 111, § 72J with respect to nurse aides: \$25
- j. Cases brought pursuant to G.L. c. 111C, § 23 with respect to emergency medical technicians:  
\$100
- k. Cases brought pursuant to 7 CFR 246.18 and related provisions with respect to the Massachusetts Women, Infants and Children (WIC) Program: \$250
- l. Other cases not referred to above in which the Department of Public Health is a party:  
\$100
- m. Cases in which the Department of Agricultural Resources is a party: \$100

2. *Assessment of Fees:*

In cases in which a matter is brought as a result of a request for hearing by a party to an agency enforcement proceeding, the fee shall be assessed to the party requesting the hearing and payable within 30 days following the commencement of the proceeding. In all other matters commenced by a request for hearing or notice of appeal by a non-governmental agency party, the fee shall be due and payable with the notice of appeal or request for hearing. In the event that a party fails, without good cause shown, to pay a fee provided for herein and/or fails to pay within the time periods provided for, the Chief Administrative Magistrate may, as a matter of his or her sound discretion, dismiss the case or enter default against the party failing to pay the fee.

3. *Waiver of Fees:*

The Chief Administrative Magistrate may, as a matter of his or her sound discretion, waive or reduce any fee provided for herein upon a showing of substantial hardship, inability to pay or other good cause shown.